

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST  
LITIGATION

Civil No. 18-1776 (JRT/HB)

This Document Relates to:

Consumer Indirect Purchaser Plaintiff  
Actions

**DECLARATION OF SHANA E. SCARLETT IN SUPPORT OF  
INDIRECT PURCHASERS' OPPOSITION TO DEFENDANTS' JOINT  
MOTION TO DISMISS THE STATE LAW CLAIMS IN THE INDIRECT  
PURCHASER PLAINTIFFS' COMPLAINTS**

I, Shana E. Scarlett, state under oath, as follows:

1. I am a partner at Hagens Berman Sobol Shapiro LLP. I have full knowledge of the matters stated herein and could and would testify thereto.

2. Attached are the true and correct copy of the following exhibits:

Exhibit A: Notice of Filing of the Complaint to the Arizona Attorney General;

Exhibit B: Notice of Filing of the Complaint to the Nevada Attorney General;

Exhibit C: Notice of Filing of the Complaint to the Utah Attorney General; and

Exhibit D: Notice of Filing of the Complaint to the Hawaii Attorney General.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED: November 30, 2018

s/ Shana E. Scarlett  
SHANA E. SCARLETT

# **EXHIBIT A**



HAGENS BERMAN

Steve W. Berman  
HAGENS BERMAN SOBOL SHAPIRO LLP  
1918 EIGHTH AVENUE, SUITE 3300  
SEATTLE, WA 98101  
www.hbsslaw.com  
Direct (206) 268-9320  
steve@hbsslaw.com

June 28, 2018

VIA CERTIFIED MAIL

Mark Brnovich  
Attorney General of Arizona  
2005 N Central Ave  
Phoenix, AZ 85004-2926

PAD/CPA

JUL 03 2018

RECEIVED

Re: Duryea et. al. v. Agri Stats et. al., Case No. 0:18-cv-001176

To the Office of the State Attorney General:

We write to inform you of newly-filed consumer protection and antitrust action which may affect your state's consumers. Enclosed please find a copy of the complaint.

The complaint alleges that from approximately 2009 to the present, U.S. pork producers engaged in unfair and deceptive trade practices. The producers conspired to fix, raise, maintain and stabilize the price of pork. They implemented this conspiracy by coordinating output and limiting production using a benchmarking service, Agri Stats. In furtherance of this conspiracy, we allege that the pork producers exchanged detailed, competitively sensitive, and closely guarded non-public information about prices, capacity, sales volume and demand with their co-conspirators. In essence, the defendants established, maintained, or used a monopoly for the purpose of excluding competition and controlling, fixing, or maintaining prices in the pork market.

Should you have any questions regarding the litigation, I may be reached at the address written above.

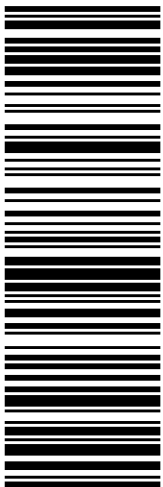
Sincerely,

HAGENS BERMAN SOBOL SHAPIRO LLP


Steve W. Berman  
Partner

Enclosure: Class Action Complaint

Jeaneth Decena  
Hagens Berman Sobol Shapiro LLP  
715 Hearst Ave., Suite 202  
Berkeley CA 94710



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**ARTICLE ADDRESS TO:**

Mark Brnovich  
Attorney General of Arizona  
2005 N Central Ave  
Phoenix AZ 85004-1592

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Mark Brnovich  
Attorney General of Arizona  
2005 N Central Ave  
Phoenix AZ 85004-1592

# **EXHIBIT B**



HAGENS BERMAN

Steve W. Berman  
HAGENS BERMAN SOBOL SHAPIRO LLP  
1918 EIGHTH AVENUE, SUITE 3300  
SEATTLE, WA 98101  
www.hbsslaw.com  
Direct (206) 268-9320  
steve@hbsslaw.com

June 28, 2018

**VIA CERTIFIED MAIL**

Adam Laxalt  
Attorney General of Nevada  
Grant Sawyer Building  
555 E. Washington Avenue, Suite 3900  
Las Vegas, NV 89101

Re: Duryea et. al. v. Agri Stats et. al., Case No. 0:18-cv-001176

To the Office of the State Attorney General:

We write to inform you of newly-filed consumer protection and antitrust action which may affect your state's consumers. Enclosed please find a copy of the complaint.

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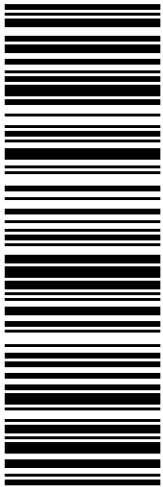
Sincerely,

HAGENS BERMAN SOBOL SHAPIRO LLP


Steve W. Berman  
Partner

Enclosure: Class Action Complaint

Jeaneth Decena  
Hagens Berman Sobol Shapiro LLP  
715 Hearst Ave., Suite 202  
Berkeley CA 94710



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**ARTICLE ADDRESS TO:**

Adam Laxalt  
Grant Sawyer Building  
555 E. Washington Avenue, Suite 3900  
Las Vegas NV 89101-1068



Adam Laxalt  
Grant Sawyer Building  
555 E. Washington Avenue, Suite 3900  
Las Vegas NV 89101-1068

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# **EXHIBIT C**



HAGENS BERMAN

Steve W. Berman  
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SEATTLE, WA 98101  
www.hbsslaw.com  
Direct (206) 268-9320  
steve@hbsslaw.com

June 28, 2018

**VIA CERTIFIED MAIL**

Sean D. Reyes  
Attorney General of Utah  
Utah State Capitol Complex  
350 North State Street Suite 230  
SLC UT 84114-2320

Re: Duryea et. al. v. Agri Stats et. al., Case No. 0:18-cv-001176

To the Office of the State Attorney General:

We write to inform you of newly-filed consumer protection and antitrust action which may affect your state's consumers. Enclosed please find a copy of the complaint.

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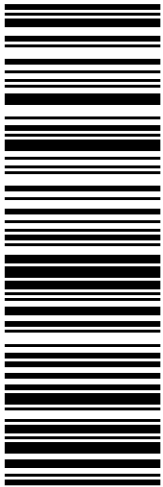
Sincerely,

HAGENS BERMAN SOBOL SHAPIRO LLP


Steve W. Berman  
Partner

Enclosure: Class Action Complaint

Jeaneth Decena  
Hagens Berman Sobol Shapiro LLP  
715 Hearst Ave., Suite 202  
Berkeley CA 94710



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**ARTICLE ADDRESS TO:**

Sean D. Reyes  
Utah State Capitol Complex  
350 North State St Suite 230  
SLC UT 84114-0002



Sean D. Reyes  
Utah State Capitol Complex  
350 North State St Suite 230  
SLC UT 84114-0002

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# **EXHIBIT D**



HAGENS BERMAN

Steve W. Berman  
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SEATTLE, WA 98101  
www.hbsslaw.com  
Direct (206) 268-9320  
steve@hbsslaw.com

June 28, 2018

**VIA CERTIFIED MAIL**

Russell Suzuki  
Attorney General of Hawaii  
Department of the Attorney General  
425 Queen Street  
Honolulu, HI 96813

Re: Duryea et. al. v. Agri Stats et. al., Case No. 0:18-cv-001176

To the Office of the State Attorney General:

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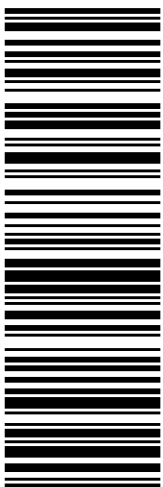
Sincerely,

HAGENS BERMAN SOBOL SHAPIRO LLP

Steve W. Berman  
Partner

Enclosure: Class Action Complaint

Jeaneth Decena  
Hagens Berman Sobol Shapiro LLP  
715 Hearst Ave., Suite 202  
Berkeley CA 94710



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Russell Suzuki  
Department of the Attorney General  
425 Queen Street  
Honolulu HI 96813-2903

  
Russell Suzuki  
Department of the Attorney General  
425 Queen Street  
Honolulu HI 96813-2903

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